

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

04 Cr. 1224 (RWS)

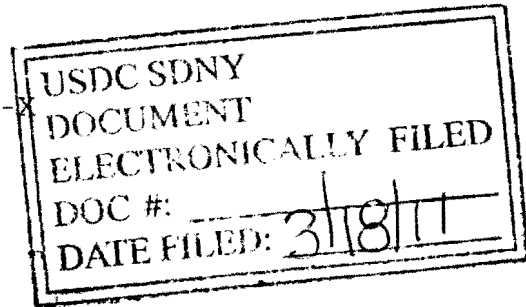
ULYSSES THOMAS WARE,
a/k/a THOMAS WARE,

OPINION

Defendant.

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Sweet, D.J.



Defendant Ulysses Thomas Ware ("Ware" or "Defendant") has moved for reconsideration of this Court's January 19, 2011 Order denying Ware's Rule 33 motion for a New Trial and Rule 12(b)(3) motion to dismiss the indictment. All grounds raised by Ware in his motion for reconsideration have been foreclosed by the Second Circuit's decision denying his appeal of his conviction. See United States v. Ware, No. 09-0851-cr, 2010 WL 4359186 (2d Cir. Nov. 4, 2010). Ware has not set forth controlling decisions or factual matters that the Court overlooked in deciding Ware's motion for a new trial or to dismiss the indictment. Accordingly, his motion is denied.


In a related criminal matter, United States v. Ware, No. 05 Cr. 1115 (S.D.N.Y.), Ware "launched a barrage of meritless post-

judgment applications and motions," which the Honorable William H. Pauley III found to be "uniformly and completely without merit." Judge Pauley cautioned Ware, as a former attorney, "to refrain from burdening this Court with incessant and patently frivolous applications."

Similarly, in this litigation, Ware has burdened this Court with a barrage of applications, requests, letters, and motions. Having reviewed all of them, it is determined that they are meritless and frivolous. Accordingly, Ware's applications and motions, among other things, for dismissal of the Indictment and/or vacatur of his conviction, to hold Kastigar, Curcio, and/or Kordel hearings, alleging that the government attorneys have committed fraud on the Court, and seeking recusal of this Court are all denied with prejudice.

It is so ordered.

New York, NY
March 17, 2011



ROBERT W. SWEET
U.S.D.J.